

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY BROWN,

Plaintiff,

Case No. 1:19-cv-634

v.

J. SCHULTZ,

Defendant.

ORDER

This is a prisoner civil rights action. Defendant filed a Motion to dismiss (ECF No. 19). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on January 5, 2021, recommending that this Court deny the motion but permit Plaintiff's retaliation claim to proceed based only on Defendant's issuance of the Class II misconduct ticket; and that Plaintiff's due process claim be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B), 1915A. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 24) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to dismiss (ECF No. 19) is DENIED but Plaintiff's retaliation claim is permitted to proceed based only on Defendant's issuance of the Class II misconduct ticket. Plaintiff's due process claim is dismissed pursuant to 28 U.S.C. §§ 1915(e)(2)(B), 1915A.

Dated: February 2, 2021

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge